

BILL ANALYSIS

Senate Research Center
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S.B. 1686
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Persons who have been wrongfully convicted and incarcerated for many years have very high health insurance premiums and costs due to their poor treatment and stress in prisons.

Under existing law, counties do not have to compensate the wrongfully convicted for their time in prison. All costs are covered by the state.

S.B. 1686 entitles exonerated persons to receive group health insurance from the county in which the offense that was the subject of the wrongful conviction occurred as if the person were an employee of the county. This would help bring down the costs of health insurance for exonerees. Exonerees would still have to pay the same rate for health insurance as a county employee.

To apply for coverage under a county employee group health insurance plan, the claimant must file an application for coverage provided for that purpose by the county and a statement by the comptroller of public accounts (comptroller) that the comptroller has determined the claimant to be eligible for compensation.

As proposed, S.B. 1686 amends current law relating to group health insurance coverage for persons wrongfully imprisoned.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 103.001, Civil Practice and Remedies Code, to read as follows:

Sec. 103.001. CLAIMANTS ENTITLED TO COMPENSATION AND INSURANCE.

SECTION 2. Amends Section 103.001, Civil Practice and Remedies Code, by adding Subsection (d), as follows:

(d) Provides that a person entitled to compensation under Subsection (a) (providing that a person is entitled to compensation if the person has served in whole or in part a sentence in prison under the laws of this state and has received a full pardon on the basis of innocence for the crime for which the person was sentenced, or has been granted relief on the basis of actual innocence of the crime for which the person was sentenced) is also entitled to group health insurance from the county in which the offense that was the subject of the wrongful conviction occurred as if the person were an employee of the county.

SECTION 3. Amends Section 103.051, Civil Practice and Remedies Code, by adding Subsection (f), as follows:

(f) Requires the claimant, to apply for coverage under a county employee group health insurance plan under Section 103.001(d), to file:

(1) an application for coverage provided for that purpose by the county; and

(2) a statement by the comptroller of public accounts (comptroller) that the comptroller has determined the claimant to be eligible for compensation under this subchapter.

SECTION 4. Provides that the change in law made by this Act applies to a person the comptroller has determined to be eligible for compensation as provided by Section 103.051(b), Civil Practice and Remedies Code, regardless of whether the eligibility determination is made before, on, or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2011.